

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TRAVELERS CASUALTY AND SURETY COMPANY as :
Administrator for RELIANCE INSURANCE COMPANY, :

Plaintiff, :

vs. :

: 07-CV-6915 (DLC)
ECF CASE

DORMITORY AUTHORITY – STATE OF NEW YORK, :
TDX CONSTRUCTION CORP. and KOHN PEDERSEN :
FOX ASSOCIATES, P.C., :

Defendants. :

DORMITORY AUTHORITY OF THE STATE OF NEW YORK :
AND TDX CONSTRUCTION CORP., :

Third-Party Plaintiffs, :

vs. :

: **DECLARATION OF
BRETT L. WARNING
IN SUPPORT OF
MOTION TO
WITHDRAW AS
COUNSEL**

TRATAROS CONSTRUCTION, INC., :

Third-Party Defendant. :

TRATAROS CONSTRUCTION, INC. and TRAVELERS :
CASUALTY AND SURETY COMPANY, :

Fourth-Party Plaintiffs, :

vs. :

CAROLINA CASUALTY INSURANCE COMPANY; BARTEC :
INDUSTRIES, INC.; DAYTON SUPERIOR SPECIALTY :
CHEMICAL CORP. a/k/a DAYTON SUPERIOR CORPORATION: :
SPECIALTY CONSTRUCTION BRANDS, INC. t/a TEC; :
KEMPER CASUALTY INSURANCE COMPANY d/b/a KEMPER: :
INSURANCE COMPANY; GREAT AMERICAN INSURANCE :
COMPANY; NATIONAL UNION FIRE INSURANCE :
COMPANY OF PITTSBURGH, PA; UNITED STATES FIRE :
INSURANCE COMPANY; ALLIED WORLD ASSURANCE :

COMPANY (U.S.) INC. f/k/a COMMERCIAL UNDERWRITERS :
INSURANCE COMPANY; ZURICH AMERICAN INSURANCE' :
COMPANY d/b/a ZURICH INSURANCE COMPANY; OHIO :
CASUALTY INSURANCE COMPANY d/b/a OHIO CASUALTY :
GROUP; HARLEYSVILLE MUTUAL INSURANCE COMPANY :
(a/k/a HARLEYSVILLE INSURANCE COMPANY); JOHN DOES :
1-20 and XYZ CORPS. 1-20, :
: :
Fourth-Party Defendants. :

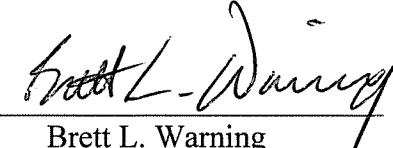
BRETT L. WARNING, of full age, subscribes and affirms under penalty of perjury as follows, pursuant to 28 U.S.C. §1746:

1. I am an associate at Bollinger, Ruberry & Garvey of Chicago, Illinois, and together with Michael S. Miller of Tompkins, McGuire, Wachenfeld & Barry, LLP, am counsel to Fourth-Party Defendant Lumbermens Mutual Casualty Company (“LMC”), improperly sued as Kemper Casualty Insurance Company d/b/a Kemper Insurance Company in the above-captioned action. I am fully familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of LMC’s motion for leave to have me withdraw as counsel for LMC in this matter.
2. I was admitted, pro hac vice, to the United States District Court for the Southern District of New York on March 3, 2008 so that I could appear on behalf of LMC.
3. LMC has now decided that its interests will be adequately protected in this matter by our co-counsel, Michael S. Miller, of the firm Tompkins, McGuire, Wachenfeld & Barry, LLP, who entered an appearance in this matter some time ago.
4. Accordingly, it is submitted that there is no longer a need for me to appear as

counsel for LMC in this matter.

WHEREFORE, it is respectfully requested that this motion to allow Brett L. Warning to withdraw as counsel for Fourth-Party Defendant LMC in the above-captioned matter, be granted.

DATED: August 20 2008



Brett L. Warning